

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRENDA BARNES-GEORGE,

Plaintiff,

-against-

YONKERS PUBLIC SCHOOL DISTRICT,
SHARON WOODS, CAROLE-ANN DUNLEAVY,
and BEVERLY NASH,

Defendants.
-----X

NOTICE OF MOTION

Case No. 07cv9660

Honorable Stephen C. Robinson

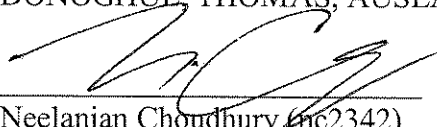
PLEASE TAKE NOTICE that upon the annexed Affirmation of Neelanjan Choudhury, sworn to the 24th day of March, 2008; and the pleadings and prior proceedings herein, a motion will be made at the Courthouse, 300 Quarropas Street, White Plains, NY, on the 14th day of April 2008 at 10 a.m. in the forenoon or as soon thereafter as counsel can be heard, for an Order pursuant to Rule 12 granting defendants motion as set forth in the annexed memorandum of law, together with such other and different relief as the Court may deem just and proper.

Dated: Hopewell Junction, New York
March 24, 2008

Yours, etc.

DONOGHUE, THOMAS, AUSLANDER & DROHAN

By:



Neelanjan Choudhury (nc2342)
Attorneys for Defendants
2517 Route 52
Hopewell Junction, NY 12533
Tel.: (845) 227-3000
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TO: Michael H. Sussman, Esq.
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Tel.: (845) 294-3991
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Defendants.
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**AFFIRMATION IN SUPPORT
OF MOTION TO DISMISS**

Case No. 07cv9660

Honorable Stephen C. Robinson

NEELANJAN CHOUDHURY, an attorney duly licensed to practice law in the State of New York, affirms the following under the penalty of perjury:

1. I am an associate with the firm Donoghue, Thomas, Auslander & Drohan, attorneys for the defendants, Yonkers Public School District, Sharon Woods, Carole-Ann Dunleavy, and Beverly Nash. I make this affidavit in support of Defendants' Motion to Dismiss.

2. Submitted in support of the Defendants' Motion are its Notice of Motion and Memorandum of Law.

3. Also submitted on the motion are the following Defendants' exhibits:

"A" Affidavits of Sharon Woods ["Woods Affidavit"]; Affidavit of Beverly Turner-Nash ["Turner-Nash Affidavit"]; and Affidavit of Carole-Ann Dunleavy ["Dunleavy Affidavit"]

"B" copy of Plaintiff's Summons and Complaint

"C" Plaintiff's Affidavits of Service

4. Also submitted on the motion is the Proposed Briefing Schedule as required under Part II[A][3] of the Hon. Stephen C. Robinson's Individual Part Rules. **For purposes of ECF filing, it will be labeled Exhibit "D" but is not relied upon by defendants for its evidentiary**

value. A hard copy is also included in the courtesy copy to chambers.

5. Our understanding is that the entire record to date, absent the annexed affidavits, has been transmitted to the Court. If, for any reason, the Court is unable to locate any part of the record referenced in our moving papers, we will provide a copy to the Court immediately upon being apprised of this.

6. In accordance with the arguments set forth in the annexed Memorandum of Law, it is respectfully requested Defendants' Motion to Dismiss be granted in its entirety.

Dated: Hopewell Junction, New York
March 24, 2008


NEELANJÁN CHOUDHURY (nc2342)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRENDA BARNES-GEORGE,

Plaintiff,

- against -

YONKERS PUBLIC SCHOOL DISTRICT,
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Defendants.

AFFIDAVIT OF SERVICE

Case No.: 07cv9660

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STATE OF NEW YORK)

)ss.:

COUNTY OF DUTCHESS)

Deborah Lewis, being duly sworn, deposes and says:

That I am an employee of the firm of Donoghue Thomas Auslander & Drohan LLP, am not a party to this action, and I am over the age of 18 years of age and reside in Poughkeepsie, New York.


That on the 24th day of March, 2008, deponent served a true copy of Defendant's Notice of Motion and Affirmation of Neelanjan Choudhury in Support of Motion to Dismiss, with respect to the above-referenced matter upon:

Michael H. Sussman, Esq.
Sussman & Watkins
40 Park Place
P.O. Box 1005
Goshen, New York 10924

by mailing same in a sealed envelope, properly addressed, with postage prepaid thereon and by depositing same in an official depository for regular delivery under the exclusive care and custody of the United States Postal Service within the State of New York.


Name

Sworn to before me this 24th day
of March, 2008


Notary Public

LORI A. AGOSTA
Notary Public, State of New York
No. 4886781
Qualified in Dutchess County
Commission Expires April 8, 2011